

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

Racing Speed Associates, L.L.C.	)	
d/b/a ASA Racing,	)	
	)	Case No. 07 C 6785
Plaintiff,	)	
v.	)	Judge Kennelly
	)	
Louis R. Varney, Jr. and	)	
ASA Late Model Series, L.L.C.,	)	
	)	
Defendants.	)	

**ANSWER**

Defendants, for their answer to plaintiff's Complaint, plead and allege as follows:

1. Except as hereafter admitted otherwise qualified, defendants deny each and every allegation set forth in plaintiff's Complaint.
2. Defendants admit the allegations set forth in paragraphs 3, 4, 9, 11, 12, 15, 17, 18, 20, 21, and 22 of plaintiff's Complaint.
3. Defendants deny the allegations set forth in paragraphs 10, 16, 19, 23, 25 and 27-36 of plaintiff's Complaint.
4. With respect to the allegations set forth in paragraphs 2 and 8 of plaintiff's Complaint, defendants are without sufficient information to admit or deny those allegations and, therefore, deny the same and put plaintiffs to its proof thereof.
5. With respect to the allegations set forth in paragraph 13 of plaintiff's Complaint, defendants deny those allegations to the extent they suggest defendants don't own the ASA Late Model Series trademark.

6. With respect to the allegations set forth in paragraph 14 of plaintiff's Complaint, defendants deny those allegations except that defendants admit ASA retained the right to use trademarks other than the ASA LMS trademark.

7. With respect to the allegations set forth in paragraph 24 of plaintiff's Complaint, defendants deny making any harassing, threatening, or misinformed communication.

8. With respect to the allegations set forth in paragraph 26 of plaintiff's Complaint, defendants admit that counsel for RSA sent Exhibit 3.

#### **AFFIRMATIVE DEFENSES**

9. Plaintiff's Complaint fails to state a claim upon which relief can be granted.

10. This Court lacks personal jurisdiction over defendants.

11. Plaintiff's claims are barred by the doctrines of waiver, estoppel and laches.

WHEREFORE, defendants pray that plaintiff take nothing by its presented cause of action and that judgment be entered against plaintiff and in favor of defendants together with an

award of defendants' costs and expenses, including attorneys' fees, as well as any other relief that the Court deems just and appropriate.

Respectfully submitted,

LOUIS R. VARNEY JR. and  
ASA LATE MODEL SERIES, L.L.C.

/s/ Johanna J. Raimond  
One of their attorneys

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**CERTIFICATE OF SERVICE**

On February 5, 2008, undersigned Counsel certifies that the attached ANSWER was served through the Court's ECF e-filing system on the following:

William L. Niro  
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/s/ Johanna J. Raimond